

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promote Personal Responsibility and Empower Families – Providing time and appropriate pre- and post-disaster information and improving the availability of services should enable the state's residents to make choices that will enhance the safety and well-being of themselves and their families.

B. EFFECT OF PROPOSED CHANGES:

Current situation

Florida's geographical location makes this state vulnerable to a variety of natural disasters. Various state agencies coordinate with local and federal governments, interstate organizations, and the private sector to prepare residents and visitors before disasters to help protect them during such events and assist with recovery afterward.

Florida's regulatory guidelines regarding disaster response are outlined in several documents. Chapter 252, F.S., mandates the development of the Florida Comprehensive Emergency Management Plan (the Plan). The Plan establishes the framework to ensure that Florida is prepared to deal with the aftermath of any one of several hazards that threaten our communities, businesses, and the environment. The Plan coordinates response and recovery activities with federal, state, local, and volunteer entities and organizations in an attempt to unify the efforts of these groups to ensure a comprehensive approach to reducing and mitigating the effects of an emergency or disaster.

Additionally, laws relating to health care providers, including ancillary services, provide that certain rules be developed and enforced to establish reasonable and consistent quality of care to persons prior, during, and after a disaster.

A significant number of Florida's citizens are considered vulnerable in the event of natural disasters such as hurricanes:

- More than 76% of Florida's total population (12,816,041 persons) resides in the 35 coastal counties.
- Eight percent of the state's total population (1,333,969 persons) resides in mobile homes.
- More than 18% of the state's total population (3,051,453 persons) is 65 years of age or older, with the highest number in Miami-Dade (314,497), Palm Beach (278,868), Broward (315,470), Pinellas (229,763) and Hillsborough (139,341) counties.¹
- Florida has made significant strides in reducing the deficit of safe hurricane shelter space in the past five years. Approximately 50% of the deficit has been eliminated. However, between 2004 and 2009, the vulnerable population in Florida is projected to increase by nearly 900,000, with as many as 16% possibly seeking safety in public shelters.²
- There are 746 nursing homes with 81,986 licensed beds in the state.
- There are an estimated 333,492 citizens that may be considered "frail elderly" (about 2% of the Florida's population).

Special needs shelters provide refuge to persons who because of a health or medical condition require the supervision of a health care professional during a disaster or emergency. These shelters operate and coordinate services with state, local agency and volunteer organizations. The Department of Health is the primary agency under the Emergency Support Function-8 operations to maintain and staff special

¹ *Comprehensive Emergency Management Plan 2004*, February 1, 2004

² *State of Florida 2004 Statewide Emergency Shelter Plan*, February 2004.

needs shelters.³ On September 1, 2004, the Governor issues Executive Order Number 04-192, authorizing the Department of Health to assume responsibility for special needs shelter operations if specifically requested by any county Director of Emergency Management. This order, incorporated in subsequent hurricane executive orders, was prompted by, “(T)he recognition that the system was overwhelmed and that the department was in the best position, under the circumstances to assume expedient responsibility for SpNS operations...”

The Department of Health, in its 2004 Hurricane Season *AFTER ACTION REPORT* documents that changing demographics have resulted in increasing numbers of elderly and disabled individuals receiving in-home services. The reports states, “(D)uring these storms, Florida, with its high proportion of elderly, experienced the effects of these combinations of factors like never before. Individuals, who functioned well in their homes during normal times, many with support services from home health care agencies, were unable to maintain that level of functionality during and after the storms. Storm-related disruptions to communications, transportation, power supplies, and lack of continuity of in-home support services as well as structural damage to their homes, forced many seniors out of their independent living status and into SpNS, at least temporarily. In some areas, those who had not evacuated prior to the storm found they could not safely remain in their homes after the storm due to these disruptions resulting in a ‘second wave’ of evacuees entering special needs shelters.”⁴

The department’s report highlights a number of issues and lessons learned including:

- County health departments were not always involved with other government entities in selecting SpNS.
- Many eligible persons were not aware of the Special Needs Registry and many of those registered did not actually choose to shelter in SpNS.
- Many eligible persons asked to be added to the registry just prior to storm landfall and many registry lists were not updated.
- Better asset assignment was needed, including staff with current specialty skill sets and specialized equipment such as heavy patient lift devices or able-bodied staff, respiratory therapists, oxygen concentrators and other medical support equipment.
- Lack of air conditioning and marginal food and water supplies created stressful shelter conditions.
- Need for more coordinated discharge planning.

Further, during the 2005 hurricane season, additional analysis revealed that physically impaired individuals who decided to shelter at home in multi-story buildings became “trapped” when elevators were rendered inoperable due to power outages. These individuals represent a substantial group that may also seek SpNS services in the future.

Proposed changes

The bill amends certain sections of chapter 252, F. S., and other chapters addressing pre- and post-disaster planning to address services to persons with special needs before, during, and after disasters. The bill assigns lead responsibility for certain functions to specific state agencies and establishes a multiagency emergency special needs shelter discharge planning team to assist local areas impacted by natural or manmade disasters that require the use of special needs shelters. The bill also provides certain pre- and post disaster facility use and licensure flexibility. The effect of these provisions should be to provide increased coordination among federal, state and local entities and to facility the timely and appropriate use of facilities to serve the special needs population.

The bill:

- Includes individuals with cognitive impairments among persons considered to have special needs.

³ The Florida House of Representatives, Interim Project Report, Health Care General Committee, November 2005

⁴ Florida Department of Health, 2004 Hurricane Season *AFTER ACTION REPORT*, March 4, 2005.

- Expands the communication and outreach efforts regarding special needs registration.
- Requires year-round maintenance of the special needs registry.
- Provides local law enforcement agencies with access to shelter registration information.
- Designates the Department of Community Affairs as the lead agency responsible for community education and outreach and requires the department to coordinate with certain other entities in those efforts.
- Provides that a special needs shelter is considered a public facility when activated for a disaster and as such must allow people with disabilities to bring their service animals into the facility.
- Provides that the Department of Agriculture and Consumer Services as the lead agency responsible for pet and animal sheltering during a disaster.
- Designates Children's Medical Services as the lead agency for coordinating local medical and health care providers for the staffing and management of pediatric special needs shelters.
- Provides that the Agency for Health Care Administration monitor nursing homes during emergencies to determine if assistance is needed and that the agency publishes an emergency telephone number for nursing homes to use.
- Specifies that the Division of Emergency Management include special needs shelter assessment, location, estimated need, and other information in its statewide emergency shelter plan.
- Provides that the Department of Health assist the Division of Emergency Management in determining the estimated need for special needs shelter space and the adequacy of the facility to meet shelterees' needs.
- Provides that the Division of Emergency Management include information regarding the availability of pet friendly shelters in the statewide emergency shelter plan.
- Provides that the local emergency management agency shall inspect a facility to determine its readiness prior to activating such facility.
- Assigns the county health departments, in conjunction with the local emergency management agencies, the lead responsibility to coordinate and recruit health care practitioners to staff local special needs shelters, and encourages coordination of non-medical staffing and operating of special needs shelters.
- Provides that local emergency management agencies are responsible for the designation and operation and closure of facilities and that these services and activities are coordinated with county health departments.
- Establishes state employee roles under certain circumstances in a disaster response.
- Establishes a multiagency emergency special needs shelter discharge planning team.
- Directs the Department of Elder Affairs to convene the multiagency special needs shelter discharge planning team as necessary to assist local areas impacted by emergency or disaster.
- Allows certain practitioners, hospitals, nursing homes or receiving facilities to request reimbursement for sheltering persons with special needs.
- Provides protections against duplication of reimbursements to receiving facilities.
- Revises the duties and membership of the Special Needs Shelter Interagency Committee and expands the committee to include the Florida Association of Aging Services Providers, the Florida Renal Coalition and AARP.
- Requires the Department of Health to adopt rules.
- Authorizes the Department of Health to solicit pre-planning event participation.
- Requires emergency management plans to address home health agency, nurse registry, hospice, and home medical equipment provider's functional staffing plan for shelters to ensure continuity of care and services for clients.
- Provides that home health agencies, nurse registries, hospice and home medical equipment providers include a continuity of care component in its respective comprehensive emergency management plans, encourages these entities to establish links to emergency operations centers to determine a mechanism to approach disaster areas in order to reach clients, provides for a more coordinated review of such plans by the county health departments and allows sanctioning capability by the Agency for Health Care Administration under certain circumstances.

- Provides licensure and use flexibility to allow nursing homes, assisted living facilities, and other residential care facilities to exceed their licensed bed capacity to act as a receiving facility in accordance with emergency operations plans.

C. SECTION DIRECTORY:

Section 1. Amends s. 252.355, F.S., regarding public shelter space and special needs registration.

Section 2. Creates s. 252.3568, F.S., regarding emergency pet sheltering.

Section 3. Creates s. 252.357, F.S., regarding monitoring of nursing homes during a disaster.

Section 4. Amends s. 252.385, F.S., regarding public shelter space, statewide shelter survey and need information included in the statewide emergency shelter plan, space allocation within a shelter, shelter location, adequacy of facilities, pet friendly shelters, inspection, shelter readiness and coordination of shelter services.

Section 5. Amends s. 381.0303, F.S., regarding operation, maintenance and closure of special needs shelters; assignment and coordination of local and state agency lead responsibilities; coordination of medical and non-medical staffing in special needs shelters; designation, operation and infrastructure of special needs shelters; state employees' disaster response roles; the Department of Elder Affairs' convening of the multiagency special needs shelter discharge planning team; health care practitioner and other emergency personnel reimbursement; hospitals, nursing and other facilities reimbursement for disaster-incurred expenses; special needs shelter interagency committee membership and responsibilities; the Department of Health's rule-making authority; pre-event planning activities, and home health agency, nurse registry, hospice and home medical equipment provider emergency management plan review.

Section 6. Amends, s. 400.492, F.S., regarding home health agencies and the provision of services during an emergency; provides that home health agencies may establish links to local emergency operations centers and provides sanctioning ability by the Agency for Health Care Administration.

Section 7. Amends s. 400.497, F.S., regarding rules establishing minimum standards; establishes county health department procedures regarding the review of home health agencies comprehensive emergency plans, provides for notification of plan approval or deficiency, and provides that the Agency for Health Care Administration may impose a fine under certain circumstances.

Section 8. Amends s. 400.506, F.S., regarding nurse registries and the provision of services during an emergency; provides that nurse registries may establish links to local emergency operations centers; establishes county health department procedures regarding review of nurse registries comprehensive emergency plans, provides for notification of plan approval or deficiency; and provides that the Agency for Health Care Administration may impose a fine under certain circumstances.

Section 9. Amends s. 400.610, F.S., regarding hospice facilities and the provision of services during an emergency; provides that hospice facilities may establish links to local emergency operations centers; establishes county health department procedures regarding the review of hospice facilities comprehensive emergency plans; provides for notification of plan approval or deficiency; and provides sanctioning ability by Agency for Health Care Administration.

Section 10. Amends s. 400.925, F.S., providing the definition of life-supporting or life-sustaining equipment.

Section 11. Amends s. 400.934, F.S., regarding home medical equipment providers and the provision of services during an emergency; provides that home medical equipments providers may establish links

to local emergency operations centers; establishes county health department procedures regarding review of home medical equipment providers comprehensive emergency plans; provides for notification of plan approval or deficiency; and provides that the Agency for Health Care Administration may impose a fine under certain circumstances.

Section 12. Amends s. 400.935, F.S., providing rules establishing minimum standards.

Section 13. Amends s. 408.831, F.S., regarding facility licensure and the provision of certain licensure and facility use pre and post disaster.

Section 14. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

The Department of Health estimates that the increase in the coordination and number of comprehensive emergency management plan reviews would require the following budget:

	2005/06	2006/07
Salaries:		
36 Full time Equivalent (FTE)		
Special Needs Shelter Specialists (4 per region)		
Pay grade 20 @ \$55,000	\$1,980,000	\$2,534,400
4 Admin. Assist. Pay grade 418 @ \$39,000	156,000	199,680
Other Personnel Services	15,720	15,720
Expenses:		
40 FTE @Std. DOH professional package		
W/travel @\$13,117	524,680	658,400
Other Capital Outlay:		
40 FTE @Std. DOH professional package		
@1,900	76,000	
	\$2,752,400	\$3,408,200

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

The Department of Health estimates the additional responsibilities associated with the increase in comprehensive emergency management plan reviews to require \$2.7M in initial funding. The Department of Community Affairs, the Department of Elder Affairs, and the Agency for Health Care Administration, should be able to carry out the provision of the bill within existing resources. Certain provisions of the bill are conditional upon funding.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Counties are already involved in emergency management activities, and the bill does not appear to impose significant new responsibilities upon them. The fiscal impact, if any, on counties is nonexistent or insignificant. The bill does not appear to require a municipality to expend funds or to take actions requiring the expenditure of funds.

2. Other:

None

B. RULE-MAKING AUTHORITY:

The Department of Health is required to promulgate rules.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Technical changes, primarily relating to reordering and renumbering sections, and clarifying existing content are included in the amendment to the proposed committee bill.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On February 22, 2006, the House Health Care General Committee passed Proposed Committee Bill HCG 06-01 and adopted two amendments:

Amendment #1: A strike-all amendment which included the provisions contained within the PCB and the following revisions to:

- increase special needs registration notification requirements;
- require the Division of Emergency Management to address evacuation of persons with pets in the shelter component of the state emergency management plan;
- require the Department of Agriculture and Consumer Services to assist the division of Emergency Management in determining strategies regarding persons evacuating with pets;
- require the Division of Emergency Management to inspect facilities to determine availability, readiness and adequacy of facilities;
- assign responsibility for the designation, operation and infrastructure of special needs shelters requires local health departments to coordinate efforts regarding same;

- add the Florida Renal Coalition to the membership of the Special Needs Interagency Committee;
- increases coordination among entities regarding home health agency, nurse registry, hospice and home medical equipment comprehensive plan reviews by local health departments.

Amendment #2:

- Provides access to special needs registration information to local law enforcement agencies.

The analysis reflects the bill as amended.